

EXHIBIT A

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CLERK, U.S. DISTRICT COURT
OCALA, FLORIDA

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

MICROSOFT CORPORATION,
a Washington corporation,

Plaintiff,

CASE NO.: 5:02-cv-263-Oc-10GRJ

v.

JESSE'S COMPUTERS &
REPAIR, INC., a Florida
Corporation, and JESSE EMERY,
an individual

Defendants

DEFENDANT'S ANSWER AND AFFIRMATIVE DEFENSES

COMES NOW the Defendant, JESSE'S COMPUTERS & REPAIR, INC., a Florida
Corporation, and files this answer to the Plaintiff, MICROSOFT CORPORATIONS, complaint
and states as follows:

1. Without knowledge.
2. Admitted
3. Denied.
4. Without knowledge.
5. Denied.
6. Denied.
7. Denied.
8. Denied.
9. Denied.

D

10. Denied.

10a. Denied.

10b. Denied.

10c. Denied.

10d. Denied.

10e. Denied.

10f. Denied.

11. Denied.

11a. Denied.

11b. Denied.

11c. Denied.

11d. Denied.

11e. Denied.

11f. Denied.

11g. Denied.

11h. Denied.

11i. Denied.

12. Denied.

13. Denied.

14. Denied.

15. Denied.

16. Denied.

17. Denied.

41. Denied.
42. Denied.
43. Denied.
44. Denied.
45. Denied.
46. Denied.
47. Denied.
48. Denied.
49. Denied.
50. Denied.
51. Denied.
52. Denied.
53. Denied.
54. Denied.
55. Denied.
56. Denied.
57. Denied.
58. Denied.
59. Denied.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

The Complaint and the all the claims for the relief alleged therein fail to state a claim against the Defendant upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

This Court lacks personal jurisdiction over this Defendant.

THIRD AFFIRMATIVE DEFENSE

This Court lacks venue over this case.

FOUTH AFFIRMATIVE DEFENSE

This Defendant is immune from liability for copyright infringement because any use of Plaintiff's work is a fair use under Section 107 of the Copyright Act, 17 U.S.C. § 107.

FIFTH AFFIRMATIVE DEFENSE

This Defendant is immune from liability for copyright infringement under the First Sale Doctrine because it lawfully possessed a copy of Plaintiff's work, 17 U.S.C. § 109(a).

SIXTH AFFIRMATIVE DEFENSE

Plaintiff is barred from enforcing its copyright against this Defendant since Plaintiff has engaged in licensing and other practices that constitute copyright misuse.

SEVENTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by the doctrine of unclean hands.

EIGHTH AFFIRMATIVE DEFENSE

The Plaintiff's copyright claims are barred by the three year statute of limitations set forth in 17 U.S.C. § 507(b).

NINETH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by the Doctrine of Equitable Estoppel.

TENTH AFFIRMATIVE DEFENSE

Plaintiff's claims for equitable and injunctive relief are barred by the Doctrine of Laches.

ELEVENTH AFFIRMATIVE DEFENSE

Plaintiff is barred by 17 U.S.C. § 412 from claiming statutory damages or attorney's fees under the copyright act in that any alleged acts of infringement occurred before first registration of the Plaintiff's alleged work.

TWELFTH AFFIRMATIVE DEFENSE

The Plaintiff's copyright has a misleading designation of copyright notice and incorrect identification of copyright owner.

THIRTEENTH AFFIRMATIVE DEFENSE

Defendant alleges that Plaintiff's alleged copyright has not been properly registered, and that there is no compliance with the deposit requirements of section 402 and 408 of Title 17 U.S.C.

FOURTEENTH AFFIRMATIVE DEFENSE

Defendant alleges that the Plaintiff does not have a copyright protecting the work set forth in the complaint because the Plaintiff has manifested an intent to abandon any copyright in such work.

FIFTEENTH AFFIRMATIVE DEFENSE

The Defendant affirmatively alleges that any such copying or use constituted fair use under Section 107 of Title 17 of the U.S.C.

WHEREFORE, the Defendant prays for relief as follows:

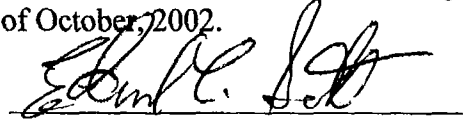
1. That the Plaintiff takes nothing by way of his complaint in this matter;
2. That judgment be entered in favor of the Defendant and against the Plaintiff on the complaint and all claims for relief asserted therein;
3. That this Defendant be awarded cost of suit in this matter, including reasonable

attorney's fees;

4. Such other and further relief as this Court deems just and proper.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to Christopher Annunziato, Esq, Holland & Knight LLP, 200 South Orange Ave, Suite 2600, Orlando, Fl 32801 on this the 11th day of October, 2002.



Edward L. Scott

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